



Rep. Kathleen A. Ryg

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09400SB0847ham002

LRB094 04475 BDD 46733 a

1 AMENDMENT TO SENATE BILL 847

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 847, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Public Library District Act of 1991 is  
6 amended by adding Section 15-82 as follows:

7 (75 ILCS 16/15-82 new)

8 Sec. 15-82. Disconnection of municipalities and townships;  
9 advisory question; disconnection procedures.

10 (a) An advisory question of public policy concerning the  
11 disconnection of a municipality or township from the public  
12 library district may be placed on the ballot (i) upon the  
13 adoption of an ordinance by the governing body of the  
14 municipality or township or (ii) when 5% of the legal voters of  
15 the public library district present a petition to the board of  
16 trustees requesting the advisory question. The governing body  
17 adopting an ordinance or the board of trustees receiving a  
18 petition must certify the question to the proper election  
19 authority, which, in accordance with the Election Code, must  
20 submit the question to the electors at the next regularly  
21 scheduled election in each public library district in which the  
22 municipality or township is located.

23 The election authority must submit the question in  
24 substantially the following form:

1           Should the (insert name of township or  
2           municipality) be disconnected from (insert name of  
3           library district)?

4           The votes must be recorded as "Yes" or "No".

5           (b) Regardless of the occurrence or outcome of any advisory  
6           question under subsection (a), the governing body of a  
7           municipality or township may adopt an ordinance to disconnect  
8           the territory of the municipality or township from the public  
9           library district. Any ordinance adopted under this subsection  
10           shall not take effect until it is approved by the board of  
11           trustees of each public library district in which any part of  
12           the municipality or township is located.

13           (c) If the disconnecting entity is a city, then, no later  
14           than 90 days after the adoption of the disconnection ordinance,  
15           the governing body of the city must establish and maintain a  
16           public library under Section 2-1 of the Illinois Local Library  
17           Act.

18           If the disconnecting entity is an incorporated town, a  
19           village, or a township, then, no later than 90 days after the  
20           adoption of the disconnection ordinance, the governing body of  
21           the incorporated town, village, or township must adopt an  
22           ordinance for a referendum to establish a public library under  
23           Section 2-2 of the Illinois Local Library Act.

24           (d) After an ordinance to establish and maintain a library  
25           is adopted by a city under Section 2-1 of the Illinois Local  
26           Library Act or after the approval by the electors in an  
27           incorporated town, a village, or a township of a referendum to  
28           establish and maintain a library under Section 2-2 of the  
29           Illinois Local Library Act, the municipality or township shall  
30           file with the circuit court in which a majority of the  
31           disconnected territory lies an appropriate petition and a  
32           certified copy of the disconnection ordinance. The petition  
33           shall request entry of an order of disconnection and the  
34           preparation of an appraisal setting forth the value of the

1 tangible property of the district, the liabilities of the  
2 district, and the excess of the liabilities over tangible  
3 assets or property. Notice shall be published by and within the  
4 disconnecting territory.

5 The circuit court shall, after a hearing upon the matter,  
6 enter its order revising the limits and boundaries of the  
7 district and setting forth the liability, if any, yet to be  
8 retired and paid for by the property owners of the disconnected  
9 territory.

10 (e) When any territory has been disconnected from a  
11 district under this Section and the court order providing for  
12 the disconnection also sets forth a continuing liability to be  
13 paid by the property owners of the disconnected territory, then  
14 the county collector of each county affected shall debit upon  
15 his or her books the taxes to be paid and thereafter levied by  
16 the district and extended against taxable property within the  
17 disconnected territory. The county clerk shall continue to  
18 extend district library taxes upon the taxable property within  
19 the disconnected territory, and the county collector shall  
20 continue to collect district library taxes upon the taxable  
21 property within the disconnected territory until the excess  
22 liability has been paid and retired.

23 The residents and property owners of the disconnected  
24 territory are entitled to full and free library service from  
25 the district until the earlier of: (i) the final and full  
26 payment of the liability; or (ii) the entry of the  
27 disconnection order by the court. Upon the date of  
28 disconnection, the residents and property owners of the  
29 disconnected territory shall no longer be subject to any tax  
30 levies by the district other than levies for the excess  
31 liability. Upon full and final payment of the liability and  
32 thereafter, no resident or property owner of the disconnected  
33 territory shall have any right, title, and interest in and to  
34 the assets and tangible property of the district affected by

1 the disconnection.

2 (f) The board must record a certified copy of the  
3 disconnection order with the recorder of deeds and with the  
4 county clerk and county collector of each county affected.

5 Section 10. The Illinois Local Library Act is amended by  
6 changing Section 2-2 as follows:

7 (75 ILCS 5/2-2) (from Ch. 81, par. 2-2)

8 Sec. 2-2. To provide local public institutions of general  
9 education for citizens of Illinois, the citizens residing in a  
10 village, incorporated town or township without local library  
11 service may establish and maintain a public library for the use  
12 and benefit of the residents of the respective village,  
13 incorporated town or township as herein provided.

14 Upon the adoption of an ordinance by the governing body of  
15 an incorporated town, village, or township or when ~~When~~ 100  
16 legal voters of any incorporated town, village or township  
17 present a petition to the clerk thereof asking for the  
18 establishment and maintenance of a public library in such  
19 incorporated town, village or township, the clerk shall certify  
20 the question of whether to establish and maintain a public  
21 library to the proper election authorities who shall submit the  
22 question at a regular election in accordance with the general  
23 election law.

24 The petition shall specify the maximum library tax rate, if  
25 the rate is to be in excess of .15%. In no case shall the rate  
26 specified in the petition be in excess of .60% of the value as  
27 equalized and assessed by the Department of Revenue. The  
28 proposition shall be in substantially the following form:

29 -----  
30 Shall a public library be established YES  
31 and maintained in (name of incorporated -----  
32 town, village or township)? NO

1 -----

2 If the petition specified a maximum tax rate in excess of  
3 the statutory maximum tax rate of .15%, the proposition shall  
4 be in substantially the following form:

5 -----

6 Shall a public library be  
7 established and maintained in (name of  
8 incorporated town, village or township), YES  
9 with a maximum annual public library tax -----  
10 rate at. % of the value of all taxable NO  
11 property as equalized and assessed by the  
12 Department of Revenue?

13 -----

14 If the majority of all votes cast in the incorporated town,  
15 village or township on the proposition are in favor of a public  
16 library, an annual tax may be levied for the establishment and  
17 maintenance of such library, subject to the limitations of  
18 Article 3.

19 (Source: P.A. 85-751.)

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.".